

REPORT ON WORKSHOPS

Held on

January 20, 2009

February 24, 2009

And March 5, 2009

To Discuss Concepts for

New Performance Standards for Smog Check Stations

The attached document summarizes the presentations and discussions that occurred during the above Bureau-sponsored workshops.

This workshop summary covers the following areas:

- Workshop Background
- Workshop Presentation
- Public Discussion
- Data Presented at Workshops
- Next Steps
- Implementation Timeline

March, 2009

Workshop Background

In June 2008, the Bureau of Automotive Repair (BAR) held three (3) informational public workshops. The purpose of these workshops was to receive public comment about the current Gold Shield performance standards, and discuss other appropriate criteria for identifying top-performing Smog Check stations. A summary of the June workshops is available on the BAR Web site (<http://www.smogcheck.ca.gov/>).

Following the June workshops, BAR held another workshop on October 9, 2008, to discuss specific concepts for revising the existing Gold Shield standards, and expand the concept of performance standards to Test-Only stations. BAR also introduced an additional concept for measuring performance using a rating system for all stations, and possibly technicians, based on Smog Check inspection history. Approximately 50 members of the public attended this workshop. The audience actively participated in the open discussion. Comments received during and after the workshop are included in this summary.

Additionally, BAR held two workshops in San Diego on January 20, 2009, two in Diamond Bar on February 24, 2009 and two in Sacramento on March 5, 2009. The audience participated in the open discussion. Attendance varied from 12 to approximately 50 at the various workshops.

Workshop Presentation

BAR's presentation reviewed the current Gold Shield performance standards and introduced several new concepts for updating the standards. They are as follows:

1. Revisions to Existing Gold Shield Standards

The goal for changing the existing standards is to improve the identification of top-performing Smog Check stations, and not to achieve a specific number of Gold Shield stations.

The specific concepts for revising the existing Gold Shield performance standards include:

- Comparative Failure Rate
 - Calculation will no longer be based on program area.
 - For **initial** Gold Shield certification, the comparison will be more vehicle-specific, based on attributes of new cutpoints:
 - Test Type;
 - Model Year;
 - Emissions Standards Category; and
 - Odometer Group
 - To **retain** Gold Shield certification, calculation will compare failure rates of directed vehicles.

- Successful Emission Repairs
 - Allow up to three (3) of the ten (10) required repairs to be the result of a vehicle failing the Low Pressure Fuel Evaporative Test (LPFET) or On-Board Diagnostic (OBD) Test.
- Repair Performance
 - Will continue to compare actual repairs to “average passing emissions” for like vehicles.
 - “Average passing emissions” calculation will be more vehicle-specific based on new cutpoints:
 - Test Type;
 - Model Year;
 - Emissions Standards Category; and
 - Odometer Group

This will make the evaluation of repair performance more relevant to the actual vehicles being repaired.
 - BAR will be posting “average passing emissions” values from the most recent calendar quarter by mid-2009.

2. New Standards for Gold Shield and Test-Only Stations

The concepts for developing new performance standards for both Gold Shield and Test-Only stations include:

- BAR’s Vehicle Information Database (VID) can identify consistently performed inspections including:
 - ASM tests, when required;
 - ASM tests in the proper gear;
 - OBD tests;
 - Fuel cap tests;
 - LPFET tests; and
 - Ignition Timing functional tests.
- The new standard will require station test results to be consistent with testing statewide. To do this, BAR will monitor Smog Check data for certain test deviations.

Definitions of Various Test Deviations

ASM Bypass*	TSI performed when an ASM is required
Gearshift	Vehicle fails for emissions, and then passes at the same station with the RPM elevated.
No OBD II Test*	Not performing OBD II functional test when it is required.
No Fuel Cap Test*	Not performing fuel cap test when it is required.
No Evap Test*	Not performing fuel evap test when it is required.
No Timing Test*	Not performing timing test when it is required.
	* At least 95% of equivalent vehicles received the applicable test.

- Tie the Smog Check license of a Test-Only station to the new performance standards, since no certification program similar to the Gold Shield Program currently exists in statute.

3. Differences Between Test-Only and Gold Shield Standards

- Test-Only standards are the same as Gold Shield, except for repair criteria.
- Unlike Gold Shield, no certification program exists in statute for Test-Only stations.

4. Station and Technician Achievement Rating (STAR)

BAR also introduced a new concept for measuring the performance of Smog Check stations, and possibly technicians. The proposed new STAR system would rate stations, or technicians, based on the Smog Check history of the vehicles they inspect.

The proposal would do the following:

- Measure the performance of each station and technician over time;
- Identify stations and technicians that engage in a wide range of behaviors;
- Evaluate station and technician performance by comparing subsequent pass and fail rates of vehicles over a large sample of vehicles;
- Establish a correlation between a vehicle's performance in the current cycle and the performance of the station or technician who last certified the vehicle; and
- Stations and technicians that perform proper inspections do not certify vehicles that should fail.
 - Higher performance results in a lower subsequent failure rate.
 - Lower performance results in a higher subsequent failure rate.
- Behaviors that negatively impact "STAR" score:
 - Clean piping;
 - Over-conditioning;
 - Clean scanning (OBD II);
 - Code clearing;
 - Gear shifting;
 - Not identifying visual failures;
 - Not identifying functional failures;
 - Adjusting timing to get vehicles to pass the emissions test; and
 - Entering incorrect vehicle parameters in EIS.

Public Discussion

The workshop audiences actively participated in the open discussions. No new concerns or issues resulted that were not already noted in previous reports.

Industry Comments

An industry member sent written comments before the most recent workshop.

They include:

- Bureau enforcement places a heavy burden on shop owners, even if they have done their best to manage the activities of their technicians.
- It is difficult, if not impossible, for a shop owner to monitor every required test procedure. The most an owner can do is hire technicians with sufficient knowledge and integrity, and encourage excellence.
- Often, when a technician is dismissed because of a citation, they move on to another shop, while the station owner pays a penalty.
- When there is an improper test, current regulations motivate the station owner to defend the technician, and not to take action to correct the technician's behavior.
- The STAR system would give an opportunity for BAR and station owners to work together to improve the program.
- If BAR required stations to provide an environment for excellence, operations manuals, internal auditing, and periodic meetings with BAR representatives, it would be easier to isolate problems associated with an individual technician, as opposed to the shop as a whole.
- If there was a violation at a station with a high STAR rating, and the station had verifiable policies and procedures, the evidence would suggest that the technician was responsible. It would be improper to take action against or cite the station owner.
- If there was fraud, such as cleanpiping, the shop owner should dismiss the employee, and possibly contribute to a mitigation fund.
- If there was neglect, the station owner and BAR should issue a written warning to the technician.
- If there was a lack of knowledge, the station owner and BAR should issue a warning to the technician, and provide additional training.
- As long as the station owner worked in cooperation with BAR in the proper dispensation of their responsibilities, there should be no need for any action against the station license or the station's STAR rating. The acts would have been isolated to the technician and remedied by the station owner.
- If a systemic problem exists within the station, it would be proper for BAR to hold the station owner accountable.

Data Presented at Workshops

A number of detailed charts were presented at the January, February and March workshops. They can be viewed at:

http://www.smogcheck.ca.gov/80_BARResources/05_Legislative/RegulatoryActions/Gspresent1-20.pdf

Implementation Timeline

- Develop draft regulations – April 2009
- Workshop(s) on proposed regulations – May 2009
- Begin 45 day public comment period on proposed regulations – June 2009
- Regulatory hearing – October 2009
- Implementation begins – March 2010